

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

|                                     |   |                                      |
|-------------------------------------|---|--------------------------------------|
| <b>AMIR MAJIKE BEY,</b>             | : | <b>CIVIL ACTION NO. 1:13-cv-2839</b> |
|                                     | : |                                      |
| <b>Plaintiff,</b>                   | : | <b>(Chief Judge Conner)</b>          |
|                                     | : |                                      |
| <b>v.</b>                           | : |                                      |
|                                     | : |                                      |
| <b>COMMONWEALTH OF</b>              | : |                                      |
| <b>PENNSYLVANIA, <i>et al.</i>,</b> | : |                                      |
|                                     | : |                                      |
| <b>Defendants.</b>                  | : |                                      |

**ORDER**

AND NOW, this 16th day of December, 2013, upon consideration of the report of Chief Magistrate Judge Martin C. Carlson (Doc. 4), recommending the court dismiss the petition for a writ of habeas corpus (Doc. 1) filed by Amir Majike Bey (“Bey”) because the claims are wholly unexhausted, improperly successive, and meritless, and following an independent review of the record, it appearing that neither party has objected to the

report, and that there is no clear error on the face of the record,<sup>1</sup> see Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (explaining that “failing to timely object to [a report and recommendation] in a civil proceeding may result in forfeiture of *de novo* review at the district court level”), it is hereby ORDERED that:

1. The report of the magistrate judge (Doc. 4) is ADOPTED in its entirety.
2. The motion (Doc. 3) for leave to proceed *in forma pauperis* is GRANTED.
3. The petition (Doc. 1) for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is DISMISSED.
4. No certificate of appealability shall issue.
5. The Clerk of Court is DIRECTED to close this case.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania

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<sup>1</sup> When parties fail to timely object to a magistrate judge’s report, the Federal Magistrates Act does not require a court to review the report before accepting it. Thomas v. Arn, 474 U.S. 140, 149 (1985). As a matter of practice, however, the Third Circuit expects courts to “afford some level of review to dispositive legal issues raised by the report.” Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987). The advisory committee notes to Rule 72(b) of the Rules of Civil Procedure indicate that “[w]hen no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” FED. R. CIV. P. 72(b), advisory committee notes; Henderson, 812 F.2d at 878-79 (stating that “the failure of a party to object to a magistrate’s legal conclusions may result in the loss of the right to de novo review in the district court”); Tice v. Wilson, 425 F. Supp. 2d 676, 680 (W.D. Pa. 2006) (holding that the court’s review is conducted under the “plain error” standard); Cruz v. Chater, 990 F. Supp. 375-78 (M.D. Pa. 1998) (holding that the court’s review is limited to ascertaining whether there is “clear error on the face of the record”). The court has reviewed the magistrate judge’s report and recommendation in accordance with this Third Circuit directive.